

# HOUSE . . . . . No. 855

---

By Mr. Fennell of Lynn, petition of Robert F. Fennell for legislation to expedite actions brought for the recovery of residential premises. The Judiciary.

---

## The Commonwealth of Massachusetts

---

In the Year Two Thousand and Five.

---

AN ACT TO EXPEDITE THE RECOVERY OF RESIDENTIAL PREMISES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 239 of the General Laws is hereby amended by striking  
2 out section 1A and inserting in place thereof the following:—  
3 Section 1A. A lessor of land or tenements used for residential  
4 purposes may bring an action under this chapter to recover possession  
5 thereof before the determination of the tenancy by its own  
6 limitation or by notice to quit, subject to the following conditions  
7 and restrictions. A specific termination date shall have been designated  
8 either in the lease or other rental agreement, or pursuant to  
9 notice to quit given in accordance therewith or pursuant to  
10 chapter 186. A copy of such lease, rental agreement or notice to  
11 quit shall be annexed to the summons. The person bringing such  
12 action shall so notify all defendants by registered mail, which  
13 notification shall be mailed not later than twenty-four hours after  
14 the action is initiated. Except in the case of termination pursuant  
15 to such notice to quit, the person bringing the action shall demonstrate  
16 substantial grounds upon which the court could reasonably  
17 conclude that the defendant is likely to continue in possession of  
18 the premises at issue without right after the designated termination  
19 date, which grounds shall be set forth in the complaint and  
20 may include without limitation the defendant's failure to accept an  
21 offer for the extension or renewal of an existing lease or other  
22 rental agreement. No execution for possession may issue in any  
23 such action before the day next following the designated termination  
24 date. Any action brought pursuant to this section shall con-

25 form to and be governed by the provisions of this chapter in all  
26 other respects and no remedy or procedure otherwise available to  
27 any party, including any stay of execution which the court has dis-  
28 cretion to allow, shall be denied solely because the action was  
29 brought pursuant to this section.